

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE:
Mindy Oakes

Debtor

Case No: 15-30379
(Chapter 13)

JUDGE LAWRENCE S. WALTER

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN (DOC. 12) AND
REQUEST FOR DENIAL OF CONFIRMATION**

The Chapter 13 Trustee recommends that the plan (DOC. 12) not be confirmed, all as more fully set forth in the attached memorandum. A plan has not been confirmed.

Hearing Date May 21, 2015 at 10:30 AM
West Courtroom, 120 W. Third St., Dayton, OH

Case Memo:

Case Filed:	February 18, 2015	Prior Cases	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> NO
Plan Filed:	February 26, 2015	Debtor	<input checked="" type="checkbox"/> SINGLE	<input type="checkbox"/> married
Step Plan	<input type="checkbox"/> yes <input checked="" type="checkbox"/> NO	Net Income (Month)	\$3,653.00	
Applicable Commitment Period	60 Months	Sch. J Expenses	\$2,344.00	
Plan Length as Proposed:	60 Months	Median Income:	Above	
Means test Disposable Monthly Income (DMI)	\$0.00	Percent to Unsecured	1 %	
Means Test Unsecured Amount: DMI * ACP=	\$0.00			
Mortgage(s)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> no			
Who Disburses Mortgage(s)	<input checked="" type="checkbox"/> TRUSTEE <input type="checkbox"/> debtor <input type="checkbox"/> both			

NOTE: Unsecured by definition are non-priority unsecured creditors. See *In re Echeman*, 378 B.R.177 (Bankr. S.D.OH2007).

MEMORANDUM

Chapter 13 Trustee's Noted Deficiencies in Plan/Amended Plan and/or Case and Grounds for Objection to Confirmation

THE PLAN

[X] Other: Debtor failed to list her debt to the City of Dayton for unpaid income taxes in the approximate amount of \$399. Debtor also filed the plan eight (8) days after filing. Per LBR 3015-1 (b) the Debtor was required to serve the plan on all creditors. Debtor failed to do so, therefore, there is a lack of due process.

ABOVE MEDIAN DEBTORS

_____/s/ Jeffrey M. Kellner_____
JEFFREY M. KELLNER #0022205
CHAPTER 13 TRUSTEE
131 N LUDLOW ST SUITE 900
DAYTON, OH 45402-1161
(937) 222-7600 FAX (937) 222-7383
email: chapter13@dayton13.com

CERTIFICATE OF SERVICE

15-30379

I hereby certify that a copy of the attached was served by electronic service or was mailed by first class mail to each of the following on the date of the electronic filing.

OFFICE OF THE U S TRUSTEE
170 NORTH HIGH ST
SUITE 200
COLUMBUS, OH 43215

Mindy Oakes
663 Greenlaw n Ave
Dayton, OH 45403

THOMAS D BERRY
4630 SALEM AVE
DAYTON, OH 45416

(30.1n)
MARY E KRASOVIC
MANLEY DEAS KOCHALSKI LLC
BOX 165028
COLUMBUS, OH 43216

(31.1n)
NATIONSTAR MORTGAGE LLC
BOX 619096
DALLAS, TX 75261-9741

1530379_6_20150408_1355_701/T327_sgs

###